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Attorneys for Plaintiff
 GERLING AMERICA INSURANCE
 COMPANY

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

GERLING AMERICA INSURANCE
 COMPANY, a New York Corporation ,

Plaintiff,

vs.

HOMESTEAD INSURANCE COMPANY, a
 Pennsylvania Corporation; GREAT
 AMERICAN E&S INSURANCE
 COMPANY, an Ohio Corporation, formerly
 known as AGRICULTURAL EXCESS AND
 SURPLUS INSURANCE COMPANY, and
 DOES 1-10,

Defendants.

CASE NO.: CV08-1716 PJH (BZ)

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND DEADLINE FOR
 SETTLEMENT CONFERENCE AND TO
 TAKE DECEMBER 9, 2008
 SETTLEMENT CONFERENCE OFF-
 CALENDAR**

WHEREAS, it was ordered by Judge Hamilton on August 7, 2008 that the parties engage in
 a settlement conference or private mediation by December 31, 2008 (docket number 33);

WHEREAS, this matter was ordered to mandatory settlement conference by Magistrate
 Judge Zimmerman on September 26, 2008 (docket number 38);

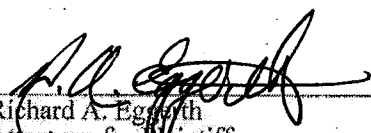
WHEREAS, the parties have scheduled a private mediation with The Honorable Ronald
 Sabraw (Ret.) of JAMS, but could not coordinate an open date for Judge Sabraw and the parties and
 their counsel until January 6, 2009, which date is now scheduled;

1 AND WHEREAS, the parties now wish to take the mandatory settlement conference before
2 Magistrate Judge Zimmerman off-calendar, and to extend the deadline by which a settlement
3 conference or private mediation may be held in this matter;

4 THEREFORE, IT IS NOW STIPULATED that the mandatory settlement conference before
5 Magistrate Judge Zimmerman on December 9, 2008 should be ordered off-calendar, and the
6 deadline for the parties to complete their private mediation before the Honorable Ronald Sabraw
7 (Ret.) should be set for January 15, 2009.

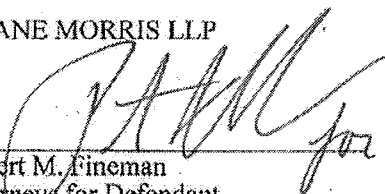
8 DATED: November 26, 2008

MORALES, FIERRO & REEVES

9
10 
11 Richard A. Eggen
12 Attorneys for Plaintiff
13 GERLING AMERICA INSURANCE COMPANY

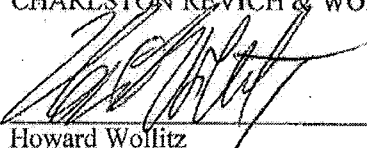
14 DATED: November 26, 2008

DUANE MORRIS LLP

15 
16 Robert M. Fineman
17 Attorneys for Defendant
18 GREAT AMERICAN E&S INSURANCE
19 COMPANY

20 DATED: November 26, 2008

CHARLSTON REVICH & WOLLITZ LLP

21 
22 Howard Wollitz
23 Attorneys for Defendant
24 HOMESTEAD INSURANCE COMPANY

25
26 **[PROPOSED] ORDER**

27 The mandatory settlement conference scheduled for December 9, 2008 before Magistrate
28 Judge Zimmerman is to be taken off-calendar.

The private mediation by the parties is to be completed by January 15, 2009.

IT IS SO ORDERED.

Dated: December ¹____, 2008



s:\docs\ga5105\stipulation extending time for settlement conference & taking MSC off calendar.rae

HDI-Gerling American Ins. Co. v. Homestead Ins. Co., et al.
U.S. District Court
Northern District of California
Case No. 3:08-CV-01716-PJH (BZ)

PROOF OF SERVICE

I am employed by the Law Offices of Morales, Fierro & Reeves located at 2300 Contra Costa Blvd., Suite 310, Pleasant Hill, CA 94523. I am over the age of eighteen years and not a party to the within action.

On November 26, 2008, I served the document(s) described as: **STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR SETTLEMENT CONFERENCE AND TO TAKE DECEMBER 9, 2008 SETTLEMENT CONFERENCE OFF-CALENDAR** on the interested party(ies) in this action via electronically delivery through the U.S. District Court Northern District of California Electronic Court Filing process:

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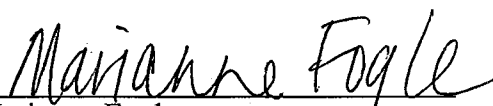
Courtesy Copy via U.S. Mail to:

Magistrate Judge Bernard Zimmerman
U.S. District Court, Northern District of CA
Courtroom G, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

The Hon. Phyllis J. Hamilton
U.S. District Court, Northern District of CA
Courtroom 3, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 26, 2008, at Pleasant Hill, California.


Marianne Fogle

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